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tain an amulet to prevent the recurrence of the disease, but the plant sideritis must be kept from falling into the hands of evil-minded sorcerers, who might replant it and thereby cause the recrudescence of the illness. Again in Col. VI, 17, 6 the shrew-mouse is not concealed in the ball of clay for its *anti-pathia*, but its treatment falls under the head of the "horrifying example" to other beasts. Finally, Mr. Tavenner must be said to be rather ingenious in his ferreting out reasons for the potency of things. The wolf is not a courageous beast (Pl. XXVIII, 257). But since this feature of the dissertation has been well discussed by Prof. Pease in his review (Class. Weekly X, 207), I will not dwell on it in this place.

It remains to say a word about the Selected Bibliography at the end. This contains a rather formidable number of titles for a dissertation and it is sometimes difficult to see their bearing on the subject of the work. Some of them are obsolete: Baring-Gould's *Were-Wolves* is of little value after K. F. Smith's investigations; the same holds good of Blumler's *Amulets* compared with Kropatschek. Others cannot have been of much use: the *Companion to Latin Studies*, Kiesewetter's *Occultismus*, Story's *Castle St. Angelo* and the *Evil Eye* do not help much in a specialized investigation. One would like to see others that are omitted. Dieterich's *Nekyia*, Seeligmann's *Boeser Blick*, Trumbull's *Threshold and Blood Covenant*, Roscher's articles on the seven and the nine in religion are some of the more important works apparently unknown to the author, while Kroll is represented only by his popular lecture on *Aberglaube*, but not by his *Chaldaic Oracles*.

Yet, in spite of all that I have said, we ought to welcome with good wishes any new worker in a field that has only too willingly been left by the classicist to the anthropologist and the dilettante. Here, more perhaps than anywhere else, does Usener's word hold good (*Philologie und Geschichtswissenschaft*) that only the strictest philological method can produce lasting results. We hope that with growing experience Professor Tavenner will give us other and more satisfactory investigations of a most promising subject.

ERNST RIESS.

The Prosecution of Jesus: Its Date, History and Legality.

By RICHARD WELLINGTON HUSBAND. Princeton University Press, 1916. 302 pp. \$1.50 net.

Hitherto the trial of Jesus has been studied largely from the viewpoint of Jewish criminal law. Roman procedure, if considered at all, has been that of the courts at Rome. The

conduct of criminal trials in the provinces, however, differed radically from that of Roman courts, as has been shown by the great work of Mitteis and Wilcken, and therefore the attempts to explain the trial before Pilate by reference to criminal procedure in Rome have been fruitless. More satisfactory is the new interpretation of Professor Husband who approaches the study from the viewpoint of Roman criminal procedure in the provinces. His conclusion is that the trial before Pilate constituted the only trial, the appearance before the Sanhedrin being merely a preliminary hearing or grand jury proceeding at which a charge was formulated for presentation to the Roman governor when he held court at Jerusalem.

Such a theory rests on the assumption that the Jews had lost their criminal law entirely, and also the power to enforce their ecclesiastical law. The evidence, while meager, seems to confirm this supposition; and it is in conformity with the situation in other provinces whose native courts had been replaced by Roman courts and Roman law. But while their law had been taken away, the court machinery had been retained at least in part. The police still had the power of arrest, and the Sanhedrin while still meeting no longer sat as a court but as a grand jury with power to examine cases and formulate charges but without power to pass sentence.

The arrest of Jesus, to follow Professor Husband's view, was made on the night preceding the Passover of 33 A. D. by regular police whom John calls "the band and chief captain and the officers of the Jews", led by Judas, and assisted possibly by a part of the temple guard. It is improbable that Roman soldiers took part in the arrest, or that there was a "multitude" present. The Sanhedrin had previously decided to wait until after the Passover before making the arrest, but after a third meeting plans were changed hurriedly and an immediate arrest was decided upon. Although this action took place at night, by means of armed forces and a traitor, there seems to have been no illegality either in the time or manner of the arrest, as many modern writers have claimed. After his arrest Jesus was taken by the police to the house of the High Priest where he was held until the Sanhedrin could be assembled. The older view holds that there were two meetings, one held after midnight and the other in the early morning, at which Jesus, after a mere pretense of a trial, was condemned on his own testimony, and then bound over to the court of Pilate either for retrial or for execution. Such proceedings would have been unjust and would have violated all the rules laid down so explicitly in Jewish law for the conduct of a criminal trial. It seems unbelievable that a court, noted for its scrupulous observance of all the minutiae of law,

and in the present instance afraid of the people, would discard all legal formalities. If, as has usually been claimed, it had decided to commit some great injustice, would it not have adhered all the more closely to the rules prescribed in order to protect itself from public criticism? No more can the usual interpretation of the Sanhedrin's verdict be supported. All the gospels except that of Mark state that Jesus was pronounced "worthy of death"; Mark alone says that he was condemned to death. These two statements have been considered equivalent, but probably they are quite different. If the Sanhedrin, as Professor Husband maintains, were sitting as a grand jury, its only verdict could have been an indictment, not a sentence. Such an interpretation is supported by the action of the Sanhedrin in the second arrest of Peter and John, where it made the arrest, heard the case, but did not pass sentence. Evidently the Romans had left it no more power. It is further confirmed by the situation in Egypt where local officials examined and prepared cases for the Roman procurator or his agent. It has been objected that the governor of Judea did not have judicial power, but was under the jurisdiction of the governor of Syria, but such an idea rests on a misunderstanding of the facts. Judea constituted two independent judicial districts, and only on special occasions when the governor of Syria was appointed commander of the whole east was it even under his military oversight.

Following his indictment by the Sanhedrin Jesus was sent to Pilate's court on the double charge of false prophecy and treason, really two phases of the same charge, for while the Jews were concerned with crimes against their religion the Romans were interested only in matters pertaining to the civil and criminal law of Rome. By combining the account in the four gospels and the Acts of Pilate the course of the trial can be reconstructed. There is no direct statement that a written charge was preferred or that witnesses were called, but such seems to have been the case. It was a formal trial in a Roman court and few irregularities can be found. The trial opened with a question by Pilate concerning the nature of the charge, a question which has been variously explained, but which was really the formal opening of the court. One prominent feature of the trial was the questioning of the prisoner by Pilate, but this seems not to have been an irregularity as is shown by the letters of Pliny regarding the trial of Christians in Bithynia. At the conclusion of the trial Pilate gave sentence which has been inaccurately translated "I find no fault (or crime) in him"; a verdict, however, that did not mean freeing him from the charge. Pilate knew that Jesus had confessed himself a king, and that many of his followers had expected him to set up an earthly kingdom;

technically, therefore, he would be guilty of treason, although really innocent of any intent or act of treason. This interpretation, if correct, offers a better explanation than is usually given for Pilate's later acts. Instead of being intimidated into reversing his decision by an angry mob, he tried to persuade the Jews to withdraw their charge. When he failed in that, he offered to pardon either Jesus or an untried robber Barabbas, as they preferred; and when that also failed he had no alternative other than to inflict the penalty for treason. This explanation would free Pilate from the charge of executing an innocent man, and would lay the blame for the crucifixion upon the Jews, as many of the writers of the New Testament have done. To many, however, even the explanation of Professor Husband does not free Pilate altogether from the crime of an unjust sentence.

The date of the trial, Friday, April 3, 33 A. D., is later than is usually assigned. From the record of John's gospel and the writings of St. Paul it is found that the Passover came on Friday, and the only years during the public life of Jesus when the Passover occurred on that day were 30 and 33 A. D. The only certain date from which to reckon the beginning of Jesus' ministry is the beginning of John's ministry, the "fifteenth year of the reign of Tiberius Caesar", meaning, according to Roman historians, the fifteenth year from the accession of Tiberius, not from the time of his association in the rule of Augustus, as many Biblical scholars maintain. Jesus' public ministry must, then, have ended later than 30 A. D. unless one adopts the doubtful view that it lasted but one year. The later date is made probable also by the custom of freeing one prisoner each year, begun by Pilate not earlier than 27, and apparently of some years' standing at the time of the trial of Jesus. The exact dating, however, depends entirely upon an unsupported statement that the Jews reckoned their feasts by astronomical calculation rather than upon the actual appearance of the moon, as many critics claim.

This outline will show, possibly, the character of the argument. Each problem arising from the trial is examined with great care. Jewish as well as Roman law is freely cited. The important modern discussions of the trial have been examined, as the full bibliography shows. In the use of his sources the author disregards to some extent the vast amount of text criticism because he finds valuable information in the later narratives to supplement or correct that found in the gospel of Mark. Although this method is followed there is no careless or uncritical handling of the text; in fact the new interpretation of the trial demands a less radical excision of text than is required by the older view. Altogether the book is a careful, well-reasoned study, presented in an interesting

and impartial manner, and the main conclusions seem to be sound. It is valuable also in that it presents a new angle of study in New Testament problems. One feels that many Biblical scholars wander in the dark because they disregard or are ignorant of the influence of the Greek and Roman world upon Jewish life and thought. For once a classicist has shown them the way.

J. F. FERGUSON.

BYRN MAWR COLLEGE.

The Eclogues of Faustus Andrelinus and Joannes Arnolletus edited, with introduction and notes by WILFRED P. MUSTARD, Baltimore, The Johns Hopkins Press, 1918. 123 pp.

The difficulty of securing a publisher for books that are valuable to only a limited number of scholars is well known. Cordial praise is therefore due The Johns Hopkins Press for its generosity in printing now the third contribution that Dr. Mustard has made to the history of the humanistic Pastoral in which he is certainly our chief authority. His text has no important blemishes that the reviewer can detect and he has adduced his parallels from other Latin authors with his usual skill and fulness, often citing also illuminating passages from English, French and Italian. But even one who is such a dabster in this as Dr. Mustard is must inevitably overlook some instances of the poet's dependence. It is certainly not easy in every case to tell what reminiscences were in Andrelinus' "so-called" mind (Erasmus, who had a discerning acquaintance with him, said that there was only one syllable lacking in his poems, namely *voûs* or *mens*!), but his own compilatory methods of composition make his attack on his chief literary enemy Balbus for wearing borrowed plumage a bit amusing. This occurs in the first of four interesting prose documents that appear as Appendixes in our volume.

The chief interest of the *Éclogues* themselves must be indeed for the ordinary reader the passages that concern the author's own life (e. g. X. 67-102); for as literature I agree with Joubert (Hoefler, *Nouvelle Biographie Générale* s. v. Andrelinus) elles montrent qu'il n'était qu'un pur arrangeur de mots, pauvre de pensée, dénué de sensibilité et d'invention. He is anything but a gentle shepherd and does not hesitate to use his pastorals for invective (e. g. in XI) that would vacate his professorial chair in a modern university at once, although Bayle (*Dictionnaire Historique et Critique*, 1740, s. v. Andre-